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87 - 1145 (1)

Supreme Court, U.S.
FILED
DEC 14 1987
JOSEPH F. SPANIOL, JR.
CLERK

IN THE SUPREME COURT OF THE UNITED STATES

TERM

NO.

DAVID A. POTTER, LAYMAN APPELLANT/PETITIONER PRO SE

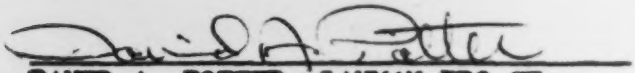
V.

THE WACKENHUT CORP., ET ALIA, APPELLEES/RESPONDENTS

APPEAL FROM THE UNITED STATES COURT
OF APPEALS -- ELEVENTH CIRCUIT;
AND,
THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

JURISDICTIONAL STATEMENT

RESPECTFULLY SUBMITTED BY



DAVID A. POTTER, LAYMAN PRO SE
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PALMETTO, FL 34221 - 3901
(813) 729-7095 / 776-2243

U.S.C.A. NO. 87-3010

U.S.D.C. NO. 86-586-CIV-T-13(C)

26pp

THE QUESTIONS PRESENTED BY THE APPEAL ARE:

1.) WHETHER OR NOT AN IMPAIRD OR DISABLED OR HANDICAPPED LAYMAN PRO SE CAN BE DENIED OR DEPRIVED OF DUE PROCESS AND OF HIS CONSTITUTIONAL PROPERTY RIGHT TO MAINTAIN AN ACTION FOR DAMAGES AGAINST EMPLOYERS, ET AL, FOR SERIOUS AND WILLFUL INJURIES BECAUSE THE PRO SE WAS WHOLLY IGNORANT OF AND, HAD NO REASON TO APPREHEND THAT COMPLAINT WITH E.E.O.C. IS PREREQUISITE TO MAINTENANCE OF DISCRIMINATION SUIT UNDER TITLE VII ?

2.) WHETHER OR NOT AN IMPAIRED OR DISABLED OR HANDICAPPED LAYMAN PRO SE CAN BE DENIED OR DEPRIVED OF DUE PROCESS AND OF HIS CONSTITUTIONAL PROPERTY RIGHT TO MAINTAIN AN ACTION FOR DAMAGES AGAINST EMPLOYERS, ET AL, FOR SERIOUS AND WILLFUL INJURIES SUSTAINED BY REASON OF EMPLOYMENT DISCRIMINATION AND BAD FAITH, INTER ALIA, BECAUSE HE WAS PREVENTED FROM LEARNING HIS RIGHTS AND ENFORCING SAME DUE TO FEAR AND IGNORANCE, AND BECAUSE OF BAD FAITH, DECEIT, DURESS, OPPRESSION, INTIMIDATION, COERCION, MALICE, AND, WILLFUL NEGLIGENCE PER SE BY HIS EMPLOYERS ET AL ?

3.) WHETHER OR NOT AN IMPAIRED OR DISABLED OR HANDICAPPED LAYMAN PRO SE CAN BE DENIED OR DEPRIVED OF DUE PROCESS AND OF HIS CONSTITUTIONAL PROPERTY RIGHT TO

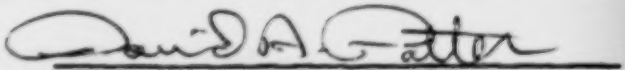
MAINTAIN AN ACTION FOR DAMAGES AGAINST EMPLOYERS, ET AL, FOR SERIOUS AND WILLFUL INJURIES BECAUSE THE PRO SE WAS PREVENTED FROM LEARNING HIS RIGHTS AND ENFORCING THE SAME DUE TO PHYSICAL, PSYCHOLOGICAL AND FINANCIAL INJURIES AND HARDSHIPS BY REASON OF BRUTAL ASSAULT AND BATTERY, EMPLOYMENT DISCRIMINATION, BAD FAITH, INTER ALIA, OCCURRING AGAINST HIM DURING AND IN THE COURSE OF OPPRESSIVE AND DISCRIMINATORY EMPLOYMENT ?

4.) WHETHER OR NOT THE FLORIDA STATUTES CHAPTER 440, (WORKERS COMPENSATION) PROVISION GRANTING EMPLOYERS, ET AL, ABSOLUTE IMMUNITY FROM LAWSUITS, AND UNFAIRLY SHIFTS THE BURDEN OF PROOF IN CIVIL ACTIONS, AND DENIES OR DEPRIVES AN IMPAIRED OR DISABLED OR HANDICAPPED EMPLOYEE OF DUE PROCESS AND HIS CONTITUTIONAL PROPERTY RIGHT TO MAINTAIN AN ACTION FOR DAMAGES FOR SERIOUS AND WILLFUL INJURIES, VIOLATE THE CONSTITUTION AND LAWS OF THE UNITED STATES AND THE AMENDMENTS THEREOF ?

5.) WHETHER OR NOT TITLE 18 USCS 1512 ET SEQ. PROVIDES OR INFERS A PRIVATE CAUSE OF ACTION AGAINST ANYONE EXCLUDING GOVERNMENT FOR HINDERING, DELAYING OR PREVENTING A WITNESS, VICTIM OR INFORMANT FROM COMMUNICATION TO A LAW ENFORCEMENT OFFICER OR JUDGE OF THE UNITED STATES OF INFORMATION RELATING TO THE COMMISSION OR POSSIBLE COMMISSION OF A FEDERAL OFFENSE ?

CERTIFICATE OF INTERESTED PARTIES

APPELLEES / RESPONDENTS	COUNSELS OF RECORD
1. THE WACKENHUT CORP., ET AL 7729 HOLIDAY DRIVE SARASOTA, FL 33581-5315 (813) 921-4475	ALLEY & ALLEY CHARTERD 205 BRUSH STREET TAMPA, FL 33601 (813) 229-6481
2. HAROLD BERGER REAL ESTATE, ET AL, 1900 MAIN STREET, SUITE 307 SARASOTA, FL 33577 (813) 366-2411	GREG HOOTMAN, ESQ. 1750 Ringling BLVD. SARASOTA, FL 33577 (813) 366-4680
3. KNOWLES-WALLIS INC. ET AL 35 SOUTH BLVD. PRESIDENTS ST. ARMANDS, SARASOTA, FL 33577 (813) 388- 3825	CRABTREE & ASSOC. 100 S. WASHINGTON BLVD. SARASOTA, FL 33577 (813) 365-4600
4. THE HOME INSURANCE CO.// THE ROYAL INSURANCE CO. 501 WYMORE RD. WINTER PARK, FL 32790// 6201 AMAR- ETTO LANE, TAMPA, FL 33614 (813) 1-800-432-1823// 831-5599	MARLOW, SHOFI, SMITH, HENNEN & SMITH, P.A. 2907 BAY TO BAY BLVD. SUITE 201, TAMPA, FL 33629. (813) 831-5599



DAVID A. POTTER, PRO SE

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TABLE OF AUTHORITIES

1. "THIS ACTION IS BROUGHT PURSUANT TO THE CONSTITUTION AND THE LAWS OF THE UNITED STATES." ---RECORD REFERENCE: (R1-1-1)(3). PLEASE SEE ABRIDGED APPENDIX.

2. WOLFF V MCDONNELL, 41 L ED 2D 935, "THE RIGHT OF ACCESS TO THE COURTS IS FOUNDED IN THE DUE PROCESS CLAUSE AND ASSURES THAT NO PERSON WILL BE DENIED THE OPPORTUNITY TO PRESENT TO THE JUDICIARY ALLEGATIONS CONCERNING VIOLATIONS OF FUNDAMENTAL CONSTITUTIONAL RIGHTS." (R1-23-1) (R1-24-12) (R1-26-1)(R1-32-9).

OPINION OF THE COURTS BELOW

THE OPINION OF THE UNITED STATES COURT OF APPEALS--ELEVENTH CIRCUIT, IS REPORTED AT NO. 87-3010; THE OPINION OR FINAL ORDER OF THE UNITED STATES DISTRICT COURT---MIDDLE DISTRICT OF FLORIDA---TAMPA DIV., IS REPORTED AT NO. 86-586-CIV-T-13(C).

CONCISE STATEMENT OF JURISDICTION

THE PRO SE BELIEVES THE HONORABLE SUPREME COURT OF THE UNITED STATES OF AMERICA HAS JURISDICTION TO HEAR THIS APPEAL PURSUANT TO THE CONSTITUTION AND LAWS OF THE UNITED STATES AND THE AMENDMENTS THEREOF.

THE NATURE OF THE PROCEEDINGS BELOW:

THIS IS A "CIVIL ACTION" APPEAL BY DAVID A. POTTER, LAY-MAN PRO SE, FROM THE FINAL ORDER OF THE U. S. DIST. COURT---MIDDLE DIST. OF FLORIDA---TAMPA DIV. DISMISS-ING POTTER'S COMPLAINT: " . . . HAS FAILED TO STATE A COGNIZABLE CLAIM WITHIN THE JURISDICTION OF THIS COURT." THE U.S.C.A.---11 TH CIRC., AFFIRMED THAT ORDER ON 10-6-87, AND ISSUED THE MANDATE ON 11-2-1987. THE NOTICE OF APPEAL TO THE TO THE UNITED STATES SUPREME COURT WAS MAILED TO THE COURT OF APPEALS ON 10-14-'87, AND WAS STAMPED AND FILED BY THE CLERK OF THE FEDERAL APPEALS COURT ON 10-19-'87. THE PRO SE CERTIFIES THAT HE ALSO MAILED A TRUE COPY OF THE 12 PAGE NOTICE OF APPEAL TO THE SUPREME COURT, TO THE APPELLEES COUNSELS OF RECORD ON 10-14-'87; THAT IS, ONE ORIGINAL AND TWO COPIES THE APPEALS COURT; AND ONE COPY TO EACH FIRM OF COUNSELS OF RECORD ON 10-14-'87. THE REASONS FOR THE PRO SE'S DE-LAYS IN DOCKETING THIS APPEAL ARE HIS INEXPERIENCE AND FAILURE TO COMPLY WITH RULE 33 OF THIS COURT. THE PRO SE BELIEVES HIS THIRD ATTEMPT TO COMPLY WITH THE RULES OF THIS COURT WILL BE TIMELY, AND MADE IN GOOD FAITH SO AS TO ALLOW DOCKETING THE CASE OR CONTROVERSY.

STATUTORY JURISDICTIONAL STATEMENT

UNITED STATES CONSTITUTION, ARTICLE 6, CLAUSE 2

THIS CONSTITUTION, AND THE LAWS OF THE UNITED STATES WHICH SHALL BE MADE IN PURSUANCE THEREOF . . . , UNDER THE AUTHORITY OF THE UNITED STATES, SHALL BE THE SUPREME LAW OF THE LAND; AND THE JUDGES IN EVERY STATE SHALL BE BOUND THEREBY, ANY THING IN THE CONSTITUTION OR LAWS OF ANY STATE TO THE CONTRARY NOTWITHSTANDING.

. . . "THE SUPREME COURT OR ANY OTHER COURT OF APPELLATE JURISDICTION MAY AFFIRM, MODIFY, VACATE, SET ASIDE OR REVERSE ANY JUDGMENT, DECREE, OR ORDER OF A COURT LAWFULLY BROUGHT BEFORE IT FOR REVIEW, AND MAY REMAND THE CAUSE AND DIRECT THE ENTRY OF SUCH APPROPRIATE JUDGMENT, DECREE, OR OERDER, OR REQUIRE SUCH FURTHER PROCEEDINGS TO BE HAD AS MAY BE JUST UNDER THE CIRCUMSTANCES." 28 USCS 2106.

CONCISE STATEMENT OF THE CASE OR CONTROVERSY

1. THE LAYMAN PRO SE WAS A VICTIM OF CRIME, AND A VICTIM OF RELIGIOUS AND HANDICAPPED DISCRIMINATION DURING AND IN THE COURSE OF HIS EMPLOYMENT; AND, A VICTIM OF DECEIT AND BAD FAITH, INTER ALIA; AND, A VICTIM OF AN UNPROVOKED VICIOUS, BRUTAL ASSAULT AND BATTERY ; AND, A VICTIM OR FEAR, OPPRESSION, INTIMIDATION, DURESS, COERCION, THREATS AND EXTORTION. HE WAS ALSO A VICTIM OF PHYSICAL, PSYCHOLOGICAL AND FINANCIAL INJURIES AND HARDSHIPS AS A RESULT OF THE ABOVE, DURING THE COURSE OF EMPLOYMENT, AND TO THE PRESENT; AND, FIRED FROM EMPLOYMENT FOR THE FOLLOWING REASONS: . . .

1-A. ... . FOR COMPLAINING ABOUT AND REPORTING EMPLOYMENT RELATED UNETHICAL AND UNLAWFUL ACTIVITIES BY CO-EMPLOYEES ET AL TO EMPLOYERS AND TO LOCAL, STATE AND FEDERAL AUTHORITIES. . . .

1-B. . . . FOR FILING AND PURSUEING A VALID CLAIM FOR MEDICAL CARE FOR INJURIES SUSTAINED BY REASON OF BRUTAL ASSAULT AND BATTERY OCCURRING DURING AND IN THE COURSE OF EMPLOYMENT . . . SAID ASSAULT AND BATTERY, INTER ALIA, DIRECTLY RELATED TO ITEM 1-A ABOVE. . . .

CONCISE STATEMENT OF THE CASE OR CONTROVERSY

1-C. . . . FOR COMPLAINING ABOUT AND REPORTING HAZARDOUS WORKING CONDITIONS TO EMPLOYERS ET AL, AND VER - BALLY TO THE O.S.H.A. PEOPLE IN TAMPA, FLORIDA, ET AL.

1-D. . . . FOR REFUSING TO SIGNATURE UNDER COERCIVE-DURESS A BLANKET RELEASE ABSOLVING EMPLOYERS, ET AL, OF ANY AND OR ALL LIABILITY DIRECTLY RELATED TO ITEMS: 1-A; . . . 1-B; . . . 1-C, CITED ABOVE.

QUESTIONS / ISSUES: HOW RAISED BELOW

ALL OF THE QUESTIONS / ISSUES HEREIN WERE RAISED AND CLEARLY IMPLIED BY ANALOGIES IN THE U.S. DIST. COURT VIA THE LENGTHY, LARGELY HANDWRITTEN, PRO SE COMPLAINT; AND, BY "MOTIONS TO ADMIT ADMISSIONS AND INFERENCES" ; AND, "MOTIONS TO PROCEED"; IN SHORT, BY CITING TO NUMEROUS AND LENGTHY ALLEGATIONS OF FACTS, AND STATUTORY AND CONSTITUTIONAL PRINCIPLES; AND BY PRO SE'S CONCLUSIONS, PERCEPTIONS AND OPINIONS OF LAWS, AS REVEALED IN THE RECORD, AND REPORTED AT U.S.D.C. NO. 86-586-CIV-T-13(C). . . .

QUESTIONS / ISSUES ; HOW RAISED BELOW

THE QUESTIONS / ISSUES ON APPEAL TO THE U.S.C.A. --- 11 TH CIRC., WERE SUBSTANTIALLY CONDENSED OR ABRIDGED IN THE INTEREST OF ECONOMY AND BREVITY, AND IN LIGHT OF PRO SE'S MODEST FINANCIAL RESOURCES; AS REVEALED IN THE RECORD AND REPORTED AT U.S.C.A. -- 11 TH CIRCUIT NO. 87-3010.

THE ISSUE OF THE CONSTITUTIONALITY AND SUFFICIENCY OF FLORIDA'S WORKERS COMPENSATION STATUTE WAS TIMELY RAISED IN A STATE HEARING REPORTED AT NO. 263-80-3882, AND WAS ALSO RAISED IN THE U.S. DIST. COURT, AS REVEALED AND REPORTED AT U.S.D.C. NO. 86-586-CIV-T-13(C); AND WAS AGAIN RAISED IN THE FEDERAL APPEALS COURT WHICH IS REPORTED AT U.S.C.A. 11TH CIRC. ORDER OF 5-1-'87. THE ISSUE WAS RAISED IN THE U.S.D.C. AT NO. 86-586-CIV-T-13(C) AT (R1-17-1).

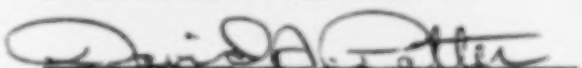
CONCLUSION

THE LAYMAN PRO SE RESPECTFULLY SUBMITS TO THE HONORABLE SUPREME COURT THAT IN THE UNITED STATES OF AMERICA, UNDER OUR CONSTITUTION AND LAWS AND THE AMENDMENTS THEREOF, IT IS BAD ENOUGH TO BE DENIED OR DEPRIVED OF ONE'S RIGHTS, PRIVILEGES, PROPERTY AND IMMUNITIES, BUT IT IS FAR WORSE TO BE PUNISHED FOR STANDING UP OR ATTEMPTING TO STAND UP FOR ONE'S RIGHTS, PRIVILEGES, PROPERTY AND IMMUNITIES.

THE PRO SE RESPECFULLY SUBMITS THAT THE QUESTIONS PRESENTED ARE SO SUBSTANTIAL AS TO REQUIRE PLENARY CONSIDERATION, WITH BRIEFS ON THE MERITS AND ORAL ARGUMENT, FOR THEIR RESOLUTION.

WHEREFORE, THE PRO SE RESPECTFULLY PLEADS, PETITIONS AND PRAYS THE HONORABLE SUPREME COURT OF THE UNITED STATES OF AMERICA WILL HEAR THIS APPEAL ON ALL THE ISSUES AND ON THE MERITS.

RESPECTFULLY SUBMITTED BY



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IN THE SUPREME COURT OF THE UNITED STATES

ABRIDGED APPENDIX

DO NOT PUBLISH

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

NO. 87-3010

NON-ARGUMENT CALENDER

D.C. DOCKET NO. 86-586

DAVID A. POTTER

PLAINTIFF-APPELLANT

VERSUS

THE WACKENHUT CORPORATION,
ET ALIA,

DEFENDANT-APPELLEE

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA

(OCTOBER 6, 1987)

BEFORE TJOFLAT, HATCHETT AND CLARK, CIRCUIT JUDGES.

PER CURIAM:

AFFIRMED. SEE 11 TH CIR. R. 36-1.

"COSTS TAXED AGAINST PLAINTIFF-APPELLANT"

JUDGMENT ENTERED : OCTOBER 6, 1987

FOR THE COURT : MIGUEL J. CORTEZ, CLERK

BY : / S /

DAVID MALAND DEPUTY CLERK

ISSUED AS MANDATE : NOV 2 1987

U.S. COURT OF APPEALS

ELEVENTH CIRCUIT

FILED

MAY 1 1987

MIGUEL J. CORTEZ

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

NO. 87-3010

DAVID A. POTTER, PLAINTIFF-APPELLANT,

VERSUS

THE WACKENHUT CORPORATION,
ET ALIA, DEFENDANT-APPELLEE.

- - - - - - - - - - - - - - - - - - - -

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR

THE MIDDLE DISTRICT OF FLORIDA

- - - - - - - - - - - - - - - - - - - -

BEFORE RONEY, CHIEF JUDGE, HILL AND KRAVITCH,

CIRCUIT JUDGES

BY THE COURT:

APPELLANT'S PRO SE "NOTICE THAT CASE ALSO INVOLVES CONSTITUTIONALITY OF STATE STATUTE", WHICH IS CONSTRUED TO BE A REQUEST TO CERTIFY QUESTION TO THE ATTORNEY GENERAL FOR THE STATE OF FLORIDA, IS CARRIED WITH THE CASE, IT NOT PRESENTLY APPEARING THAT THE DECISION OF THIS APPEAL INVOLVES THE CONSTITUTIONALITY OF THE STATUTE, THE APPEAL ONLY BEING FROM DISMISSAL OF A COMPLAINT FOR FAILURE TO STATE A CAUSE OF ACTION.

MOT. 6

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

TAMPA DIVISION

DAVID A. POTTER,
PLAINTIFF

VS CASE NO. 86-586-CIV-T-13(C)

THE WACKENHUT CORPORATION,
ET AL., DEFENDANTS.

O R D E R

UPON REVIEW OF THE COMPLAINT, THE MOTION TO DISMISS AND RESPONSES THERETO, THIS COURT FINDS THAT THE PLAINTIFF, EVEN GIVEN THE LIBERAL STANDARD AFFORDED PRO SE LITIGANTS, HAS FAILED TO STATE A COGNIZABLE CLAIM WITHIN THE JURISDICTION OF THIS COURT. SEE EG. STAFFORD V. MUSCOGEE COUNTY BOARD OF EDUCATION, 688 F .2d 1383 (11th CIR. 1982 (COMPLAINT WITH EEOC IS PREREQUISITE TO MAINTENANCE OF DISCRIMINATION SUIT UNDER TITLE VII) ; TURNER V. UNIFICATION CHURCH, 473 F . SUPP. 367, 376-77 (D. R. I. 1978), AFF'd, 602 F .2d 458 (1ST CIR. 1979) (NO PRIVATE CAUSE OF ACTION UNDER 26 U.S.C. SEC. 6051);

28 U.S.C. 1332 (DIVERSITY REQUIRED IF NO FEDERAL QUESTION STATED). THE PLAINTIFF'S SIMPLE RECITAL OF NUMEROUS STATUTES AND CONSTITUTIONAL PROVISIONS DOES NOT OTHERWISE STATE A CLAIM WITHIN THIS COURT'S JURISDICTION. ACCORDINGLY, THIS ACTION IS DISMISSED. DONE AND ORDERED IN CHAMBERS AT TAMPA, FLORIDA, THIS 10 TH DAY OF NOVEMBER, 1986

/s/

GEORGE C. CARR

UNITED STATES DISTRICT JUDGE

STATE OF FLORIDA

DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

DIVISION OF WORKERS' COMPENSATION

OFFICE OF THE DEPUTY COMMISSIONER

DISTRICT "M"

EMPLOYEE:

DAVID POTTER
7310 U.S. HIGHWAY 301, N.
BOX 71
ELLENTON, FL 33532

ATTORNEY

* PRO SE

EMPLOYER:

WACKENHUT CORPORATION
7729 HOLIDAY DRIVE
SNUG HARBOR VILLAGE
SARASOTA, FL 33581

JAMES A. SMITH, ESQ.
2907 BAY TO BAY BLVD.
SUITE 201
TAMPA, FL 33629

INSURER:(SERVICING AGENT)
P.O.BOX 3501
WINTER PARK, FL 32790

CLAIM NUMBER:
263-80-3882

DATE OF ACCIDENT:
3-26-84

COMPENSATION ORDER

THIS CLAIM CAME ON FOR HEARING FOR A PRETRIAL CONFERENCE BEFORE THE UNDERSIGNED, UPON DUE NOTICE TO THE PARTIES IN SARASOTA, SARASOTA COUNTY, FLORIDA ON JANUARY 22, 1987.

IT APPEARS THAT THE EMPLOYEE HAS, PURSUANT TO MY PRIOR ORDER, BEEN EXAMINED BY DR. SPREHE. THE CLAIMANT IS AGREEABLE TO CONTINUE TREATMENT WITH

DR. SPREHE AS NEEDED AND THE CARRIER HAS VOLUNTEERED THIS TREATMENT. SIMILARLY, AT THE CLAIMANT'S REQUEST, DR. MCELVEEN HAS BEEN AUTHORIZED FOR A NEUROLOGICAL EVALUATION AND TREATMENT. THE PHYSICIANS AND THE EMPLOYER/CARRIER WISH DISCLOSURE, PRIOR MEDICAL RECORDS INCLUDING VETERANS ADMISISTRATION RECORDS AND THAT IS ORDERED. IT APPEARS THE CARRIER HAS VOLUNTARILY PROVIDED ALL THOSE BENEFITS REQUESTED IN THE CLAIM.

AS TO THE BALANCE OF THE CLAIM ATTACKING THE CONSTITUTIONALITY AND SUFFICIENCY OF THE WORKER'S COMPENSATION STATUTE UNDER FEDERAL AND STATE LAW, I FIND THAT I LACK JURISDICTION TO CONSIDER THOSE ISSUES THOUGH TIMELY RAISED. THE CLAIMANT MUST SEEK HIS REMEDY, IF ANY, IN THE FEDERAL OR CIRCUIT COURTS.

IT IS THEREFORE ORDERED AND ADGUDGED:

1.) THAT STIPULATIONS OF THE PARTIES AS TO THE PROVISION OF CARE BY DOCTORS SPREHE AND MCELVEEN IS APPROVED.

2.) THAT THE EMPLOYEE WILL EXECUTE AND DELIVER PROMTLY TO THE ATTORNEY FOR THE EMPLOYER/CARRIER THE NECESSARY RELEASES TO OBTAIN THE MEDICAL RECORDS INCLUDING VETERANS ADMINISTRATION RECORDS.

3.) THAT ON MY OWN INITIATIVE AND WITHOUT OBJECTION ANY SUCH RECORDS FURNISHED TO ME WILL BE SEALED IN THE DIVISION FILE UNTIL FURTHER ORDER.

4.) THE CLAIM FOR COMPENSATION NOW PENDING IS DISMISSED WITHOUT PREJUDICE TO REFILING ADDITIONAL CLAIMS AS MAY BE REQUIRED IN THE FUTURE.

DONE AND ORDERED IN FORT MYERS, LEE COUNTY, FLORIDA.

/ S/

HONORABLE PATRICK J. MURPHY
DEPUTY COMMISSIONER (SEAL)

I CERTIFY THAT THE FOREGOING COMPENSATION ORDER WAS ENTERED AND TRUE COPIES SERVED BY MAIL OR BY HAND DELIVERY ON THE PARTIES AND COUNSEL AT THE ADDRESSES WRITTEN ABOVE ON JANUARY 27, 1987.

/s/

LINDA L. RATH
ASSISTANT TO THE
DEPUTY COMMISSIONER

U.S. COURT OF APPEALS
ELEVENTH CIRCUIT
FILED
OCT 19 1987
MIGUEL J. CORTEZ
CLERK

NOTICE OF APPEAL TO THE SUPREME COURT OF UNITED STATES FROM A ORDER OF A U.S. DISTRICT COURT WHICH WAS AFFIRM- BY A U.S. COURT OF APPEALS --- ELEVENTH CIRCUIT

U.S.D.C. NO. 86-586-CIV-T-13(C)

U.S.C.A. NO. 87-3010

DOCKET NUMBER:

DAVID A. POTTER, LAYMAN APPELLANT PRO SE

VERSUS

THE WACKENHUT CORPORATION, ET ALIA,
APPELLEE

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT DAVID A. POTTER, LAYMAN APPELLANT PRO SE ABOVE NAMED, HEREBY RESPECTFULLY APPEALS TO THE SUPREME COURT OF THE UNITED STATES OF AMERICA FROM THE ORDER DISMISSING THE ABOVE STY- CAUSE ON THE 10 TH DAY OF NOVEMBER, 1986; AND, THE AFFIRMING ORDER OF THE U.S.C.A. OF OCTOBER 6 TH, 1987.

DATED: 10-14-'87

DAVID A. POTTER /S/
SIGNATURE OF APPELLANT
BOX 3-I
115- 10TH STREET W.
PALMETTO, FL 34221-3901
(813) 729-7095/776-2243

ABRIDGED APPENDIX OF CONSTITUTIONAL AUTHORITY

PREAMBLE: WE, THE PEOPLE OF THE UNITED STATES, IN ORDER TO FORM A MORE PERFECT UNION, ESTABLISH JUSTICE, INSURE DOMESTIC TRANQUILITY, PROVIDE FOR THE COMMON DEFENCE, PROMOTE THE GENERAL WELFARE, AND SECURE THE BLESSINGS OF LIBERTY TO OURSELVES AND OUR POSTERITY, DO ORDAIN AND ESTABLISH THIS CONSTITUTION FOR THE UNITED STATES OF AMERICA.

ARTICLE III

SECTION 1. THE JUDICIAL POWER OF THE UNITED STATES SHALL BE VESTED IN ONE SUPREME COURT, . . .

SECTION 2. THE JUDICIAL POWER SHALL EXTEND TO ALL CASES, IN LAW AND EQUITY, ARISING UNDER THIS CONSTITUTION, THE LAWS OF THE UNITED STATES, . . . (;) . . .

ARTICLE IV

SECTION 1. FULL FAITH AND CREDIT SHALL BE GIVEN IN EACH STATE TO THE PUBLIC ACTS, RECORDS AND JUDICIAL PROCEEDINGS OF EVERY OTHER STATE. . . .

SECTION 2. THE CITIZENS OF EACH STATE SHALL BE ENTITLED TO ALL PRIVILEGES AND IMMUNITIES OF CITIZENS IN THE SEVERAL STATES. . . .

ARTICLE VI, CLAUSE 2

THIS CONSTITUTION, AND THE LAWS OF THE UNITED STATES WHICH SHALL BE MADE IN PURSUANCE THEREOF . . . , UNDER THE AUTHORITY OF THE UNTIED STATES, SHALL BE THE SUPREME LAW OF THE LAND ; AND THE JUDGES IN EVERY STATE SHALL BE BOUND THEREBY, ANY THING IN THE CONSTITUTION OR LAWS OF ANY STATE TO THE CONTRARY NOTWITHSTANDING.

AMENDMENT I

CONGRESS SHALL MAKE NO LAW RESPECTING AN ESTABLISHMENT OF RELIGION, OR PROHIBITING THE FREE EXERCISE THEREOF; OR ABRIDGING THE FREEDOM OF SPEECH, OR OF THE PRESS; OR THE RIGHT OF THE PEOPLE PEACEABLY TO ASSEMBLE, AND TO PETITION THE GOVERNMENT FOR A REDRESS OF GRIEVANCES.

AMENDMENT IV

THE RIGHT OF THE PEOPLE TO BE SECURE IN THEIR PERSONS, HOUSES, PAPERS, AND EFFECTS, . . . SHALL NOT BE VIOLATED, . . .

AMENDMENT V

NO PERSON SHALL BE . . . DEPRIVED OF LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW; . . .

AMENDMENT IX

THE ENUMERATION IN THE CONSTITUTION, OF CERTAIN RIGHTS, SHALL NOT BE CONSTRUED TO DENY OR DISPARAGE OTHERS RETAINED BY THE PEOPLE.

AMENDMENT XIII

SECTION 1. NEITHER SLAVERY NOR INVOLUNTARY SERVITUDE, . . ., SHALL EXIST WITHIN THE UNITED STATES, OR ANY PLACE SUBJECT TO THEIR JURISDICTION.

AMENDMENT XIV

SECTION 1. ALL PERSONS BORN OR NATURALIZED IN THE UNITED STATES, AND SUBJECT TO THE JURISDICTION THEREOF, ARE CITIZENS OF THE UNITED STATES AND OF THE STATE WHEREIN THEY RESIDE. NO STATE SHALL MAKE OR ENFORCE ANY LAW WHICH SHALL ABRIDGE THE PRIVILEGES OR IMMUNITIES OF CITIZENS OF THE UNITED STATES; NOR SHALL ANY STATE DEPRIVE ANY PERSON OF LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW; NOR DENY TO ANY PERSON WITHIN ITS JURISDICTION THE EQUAL PROTECTION OF THE LAWS.

CERTIFICATE OF SERVICE

I, DAVID A. POTTER, PRO SE, DO HEREBY CERTIFY THAT A TRUE AND RE-TYPED COPY OF THE FOREGOING ABRIDGED JURISDICTIONAL STATEMENT TO THE SUPREME COURT OF THE UNITED STATES, WAS OR HAS BEEN DEPOSITED IN A UNITED STATES POST OFFICE WITH FIRST CLASS POSTAGE PREPAID, AND PROPERLY ADDRESSED TO THE HONORABLE CLERK OF THE HONORABLE SUPREME COURT OF THE UNITED STATES OF AMERICA , AND TO THE DEFENDANT'S / APPELLEE'S COUNSELS OF RECORD; THAT IS, 40 COPIES TO THE HONORABLE CLERK AND ONE COPY TO EACH FIRM FOR COUNSELS OF RECORD ON

THIS DATE: 12-31-87

RESPECTFULLY SUBMITTED BY

DAVID A. POTTER, PRO SE
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